

असाधारण

# **EXTRAORDINARY**

भाग II --- खण्ड 2

PART II - Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

### LOK SABHA

The following Bills were introduced in Lok Sabha on 14th May, 2002:—

I

BILL No. 46 of 2002.

A Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2002.

Short title and commencement.

- (2) It shall be deemed to have come into force on the 14th day of September, 2001.
- 2. In section 8A of the Salary, Allowances and Pension of Members of Parliament Act, 1954, in sub-section (1),—

Amendment of section 8A of Act 30 of 1954.

- (a) in the opening portion, for the figures "1993", the figures "2001" shall be substituted;
- (b) In the second and third provisos, for the figures and words "1993, be entitled to a pension of two thousand and five hundred rupees per mensem" at both the places where they occur, the figures and words "2002, be entitled to a pension of three thousand rupees per mensem" shall be substituted.

#### STATEMENT OF OBJECTS AND REASONS

Prior to 14th September, 2001, former members of either House of Parliament with minimum membership of four years were entitled to a pension of rupees two thousand five hundred per month under sub-section (1) of section 8A of the Salary, Allowances and Pension of Members of Parliament Act, 1954 and former members who had served as members of the House of the People twice for its duration but were not entitled to any pension due to non-completion of four years of membership and also the members of the Provisional Parliament were respectively entitled to minimum pension of rupees two thousand five hundred per month under the second and third provisos to sub-section (1) of section 8A of the Act. Besides this, former members who had served as members of Parliament for a period exceeding five years were also entitled to an additional pension of rupees five hundred per month for every year in excess of five years.

- 2. The minimum pension of rupees two thousand five hundred per month to former members of Parliament with four years membership was raised to rupees three thousand per month with effect from 14th September, 2001 by the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2001. The additional pension of rupees five hundred per month for membership of every year in excess of five years was also raised to rupees six hundred per month from the said date. However, the minimum pension for other two categories of former members of Parliament remained unchanged. It is, therefore, proposed to increase the pension of these two categories of former members of Parliament from rupees two thousand five hundred per month to rupees three thousand per month with effect from 14th September, 2001.
  - 3. The Bill seeks to achieve the above object.

New DELHI; The 10th May, 2002.

PRAMOD MAHAJAN.

### FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend sub-section (1) of section 8A of the Salary, Allowances and Pension of Members of Parliament Act, 1954 to raise pension of former members of Parliament who had served as members of the House of the People twice but in aggregate less than four years and the members of Provisional Parliament from rupees two thousand five hundred per month to rupees three thousand per month with effect from 14th September, 2001.

- 2. The proposed revision of pension would involve expenditure from the Consolidated Fund of India to the tune of seventeen lakhs twelve thousand rupees. Out of this amount, a sum of thirteen lakhs twenty thousand rupees will be recurring expenditure and a sum of approximately three lakhs ninety-two thousand rupees will be non-recurring expenditure.
- 3. The provisions of the Bill do not involve any other recurring or non-recurring expenditure.

# H

# BILL No. 45 of 2002

A Bill further to amend the Cable Television Networks (Regulation) Act, 1995.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Cable Television Networks (Regulation) Amendment Act, 2002.

Insertion of new section 4A.

2. In the Cable Television Networks (Regulation) Act, 1995 (hereinafter referred to as 7 of 1995. the principal Act), after section 4, the following section shall be inserted, namely:—

Transmission of programmes through addressable system, etc.

- '4A. (1) Where the Central Government is satisfied that it is necessary in the public interest to do so, it may, by notification in the Official Gazette, make it obligatory for every cable operator to transmit or retransmit programme of any pay channel through an addressable system with effect from such date as may be specified in the notification and different dates may be specified for different States, cities, towns or areas, as the case may be.
- (2) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, specify one or more free-to-air channels to be included in the package of channels forming basic service tier and any or more such channels may be specified, in the notification, *genre-wise* for providing a programme mix of entertainment, information, education and such other programmes.

- (3) The Central Government may specify in the notification referred to in subsection (2), the number of free-to-air channels to be included in the package of channels forming basic service tier for the purposes of that sub-section and different numbers may be specified for different States, cities, towns or areas, as the case may be.
- (4) If the Central Government is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, specify the maximum amount which a cable operator may demand from the subscriber for receiving the programmes transmitted in the basic service tier provided by such cable operator.
- (5) Notwithstanding anything contained in sub-section (4), the Central Government may, for the purposes of that sub-section, specify in the notification referred to in that sub-section different maximum amounts for different States, cities, towns or areas, as the case may be.
- (6) Notwithstanding anything contained in this section, programmes of basic service tier shall be receivable by any subscriber on the receiver set of a type existing immediately before the commencement of the Cable Television Networks (Regulation) Amendment Act, 2002 without any addressable system attached with such receiver set in any manner.
- (7) Every cable operator shall publicise, in the prescribed manner, to the subscribers the subscription rates and the periodic intervals at which such subscriptions are payable for receiving each pay channel provided by such cable operator.
- (8) The cable operator shall not require any subscriber to have a receiver set of a particular type to receive signals of cable television network:

Provided that the subscriber shall use an addressable system to be attached to his receiver set for receiving programmes transmitted on pay channel.

- (9) Every cable operator shall submit a report to the Central Government in the prescribed form and manner containing the information regarding
  - (i) the number of total subscribers;
  - (ii) subscription rates;
  - (iii) number of subscribers receiving programmes transmitted in basic service tier or particular programme or set of programmes transmitted on pay channel,

in respect of cable services provided by such cable operator through a cable television network, and such report shall be submitted periodically at such intervals as may be prescribed and shall also contain the rate of amount, if any, payable by the cable operator to any broadcaster.

Explanation.—For the purposes of this section,—

- (a) "addressable system" means an electronic device or more than one electronic devices put in an integrated system through which signals of cable television network can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within the limits of authorisation made, on the choice and request of such subscriber, by the cable operator to the subscriber;
- (b) "basic service tier" means a package of free-to-air channels provided by a cable operator, for a single price to the subscribers of the area in which his cable television network is providing service and such channels are receivable for viewing by the subscribers on the receiver set of a type existing immediately before the commencement of the Cable Television Networks (Regulation) Amendment Act, 2002 without any addressable system attached to such receiver set in any manner;

- (c) "channel" means a set of frequencies used for transmission of a programme;
- (d) "encrypted", in respect of a signal of cable television network, means the changing of such signal in a systematic way so that the signal would be unintelligible without a suitable receiving equipment and the expression "unencrypted" shall be construed accordingly;
- (e) "free-to-air channel", in respect of a cable television network, means a channel, the reception of which would not require the use of any addressable system to be attached with the receiver set of a subscriber;
- (f) "pay channel", in respect of a cable television network, means a channel the reception of which by the subscriber would require the use of an addressable system to be attached to his receiver set.'.

Amendment of section 9.

3. In section 9 of the principal Act, the following proviso shall be inserted, namely:—

"Provided that the equipment required for the purposes of section 4A shall be installed by cable operator in his cable television network within six months from the date, specified in the notification issued under sub-section (1) of that section, in accordance with the provisions of the said Act for said purposes.".

Amendment of section 11.

4. In section 11 of the principal Act, in sub-section (1), for the word and figure "sections 3,", the word, figures and letter "section 3, 4A," shall be substituted.

Amendment of section 16.

- 5. Section 16 of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—
  - "(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the contravention of section 4A shall be a cognizable offence under this 2 of 1974, section.".

Amendment of section 22.

- 6. In section 22 of the principal Act, in sub-section (2), after clause (a), the following clauses shall be inserted, namely:—
  - "(aa) the manner of publicising the subscription rates and the periodical intervals at which such subscriptions are payable under sub-section (7) of section 4A;
  - (aaa) the form and manner of submitting report under sub-section (9) of section 4A and the interval at which such report shall be submitted periodically under that sub-section;".

#### STATEMENT OF OBJECTS AND REASONS

The Cable Television Networks (Regulation) Act, 1995 (hereinafter referred to as "the Act") was enacted with a view to regulate the operation of cable television networks in the country so as to bring uniformity in their operations and to avoid undesirable programmes from being made available to the viewers as well as to enable the optimal exploitation of this technology which has the potential of making available to the subscribers a vast pool of information and entertainment.

- 2. The Government has been monitoring the implementation of the Act and has been taking corrective measures as and when considered necessary. Amendments were made in the Act in the year, 2000, vide the Cable Television Networks (Regulation) Amendment Act, 2000. In the recent months, there has been a great public outcry against frequent and arbitrary hike in the cable subscription charges. The subscription rates are being fixed arbitrarily by broadcasters and cable service providers in almost an area specific monopolistic distribution system and the subscriber has no choice to ask and pay for the channels he wishes to view. At present, there is no legal or administrative instrument by which the Government could intervene and regulate the subscription charges or ask the cable service providers to transmit/retransmit television signals through any addressable system which would enable consumers to pay for only those channels which they wish to view. Further, there is no reliable record of actual viewership leading to under-reporting of the number of subscribers by the cable service providers, Multi Service Operators (MSOs) and broadcasters, which, in turn, is also affecting revenues due to the Government. The public demand for Government intervention is such that it needs to be addressed on a priority basis. Besides mandating the viewing of pay channels through an addressable system, the Government would notify from time to time and place to place, the subscription of the basic tier of freeto-air channels, since the primary objective is to ensure that every subscriber receives at least a minimum number of free-to-air channels at a reasonable cost.
- 3. In view of the above, it is proposed to amend the Cable Television Networks (Regulation) Act, 1995 so as to provide for
  - (i) empowering the Government to mandate through notification, in a phased manner, installation of addressable systems for viewing pay channels;
  - (ii) "free-to-air" channels in the areas thus notified, to continue to be received by the subscribers in the existing receiver sets without having to go through the addressable systems;
  - (iii) a provision that the subscriber would not to be required to change the receiving set irrespective of the channels that he wishes to receive and to provide that he would be free to view the channels from amongst those offered by the cable service providers;
  - (iv) the flexibility for adoption of technological advancements and up-gradation in the addressable systems and to provide that the technical standards and performance parameters of the systems would be laid down by the Bureau of Indian Standards, from time to time;
  - (v) the Government to prescribe, from time to time, the maximum amount to be paid by the subscriber to the cable service provider for the "basic service tier" consisting of the bouquet of notified "free-to-air" channels and to determine the number of channels to be included in this "tier" and the maximum cost for the same in different States/cities/areas of the country, from time to time;

- (vi) effective enforcement of the amendments, violations of which would constitute a cognizable offence; and
  - (vii) other consequential amendments in the Act.
- 4. The proposed amendments would enable the Government to take steps for protecting the interest of the consumers, as and when considered necessary.
  - 5. The Bill seeks to achieve the above objects.

New Delhi; The 9th May, 2002.

SUSHMA SWARAJ.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill seeks to amend section 22 of the Cable Television Networks (Regulation) Act, 1995 to empower the Central Government to make rules by inserting new clauses (aa) and (aaa) in sub-section (2) of that section. The proposed clauses (aa) and (aaa) respectively empower the Central Government to make rules to provide for the manner of publicising the subscription rates and the periodical intervals at which such subscriptions would be payable under sub-section (7) of the proposed section 4A, and to provide for the form and manner of submitting report under sub-section (9) of proposed section 4A as well as the intervals at which such reports shall be submitted periodically under that sub-section.

2. The delegation of legislative power under the afore-mentioned provisions relates to matters of procedure. Hence the delegation of legislative power is of a normal character.

G. C. MALHOTRA, Secretary-General.

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